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APPENDIX

Supreme Court of the United States

October Term, 1973
No. 73-187

KEWANEE OIL COMPANY,
Petitioner,

vs.

BICRON CORPORATION, *et al.*,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Petition for Certiorari Filed July 27, 1973
Certiorari Granted October 9, 1973

TABLE OF CONTENTS

Relevant Docket Entries 1
Complaint (April 17, 1970) 5
Order to Show Cause and Temporary Restraining Order (April 17, 1970) 28
Order Extending Temporary Restraining Order (May 1, 1970) 32
Order Under Rule 30(b) Federal Rules of Civil Procedure (May 1, 1970) 33
Answer of Defendant Thomas H. Richert (June 22, 1970) 35
Answer (July 22, 1970) 36
Findings of Fact and Conclusions of Law (As Excised) (Nov. 24, 1970) 51
Order Supplemental to Memorandum of Decision (Nov. 24, 1970) 91
Order for Permanent Injunction (Nov. 24, 1970) 92
Notice of Appeal (Dec. 2, 1970) 95
Notice of Appeal (Dec. 7, 1970) 96
Order for Injunction Pending Appeal (Dec. 14, 1970) 97
Reference to the Opinion and Judgments of the Court of Appeals 98

Civil No. C70-363

In the United States District Court

FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KEWANEE OIL COMPANY,
Plaintiff,

vs.

BICRON CORPORATION, LLOYD H. HAMNER, JULIOUS M. MENEFEE, WILLIAM P. NOVAK, THOMAS H. RICHERT, RICHARD W. SPURNEY and HARRY SUSCHECK,
Defendants.

RELEVANT DOCKET ENTRIES

4-17-70. Complaint filed.

4-17-70. Motion of pltf. for order to show cause and temporary restraining order with affidavits filed. 7 copies to Marshal.

4-17-70. Order that defts. show cause on 4-27-70 at 10:00 a.m. why preliminary injunction should not issue; further that defts. are temporarily restrained from taking actions as set forth, said restraining order to expire within 10 days unless court orders extension filed. Connell, J. 7 true copies to Marshal.

4-17-70. Summons issued. 7 copies of complaint and summons to Marshal.

4-17-70. Bond for temporary restraining order filed. ($5000—Insurance Co. of North America)

5-1-70. Order that temporary restraining order issued on 4-17-70 be extended until final determination on preliminary injunction filed, Kalbfleisch, J. Copies to counsel in Court.

5-1-70. Order under Rule 30(b), FRCP, governing parties as to disclosure of trade secrets, and that all papers involving trade secrets be kept sealed, etc. filed, Kalbfleisch, J. Copies to counsel in Court.

5-1-70. Bond on temporary restraining order filed. ($20,000—Insurance Co. of North America)

5-4-70. Order that $5000 bond previously posted by pltf. is null and void and that principal and surety are exonerated etc. filed, Kalbfleisch, J. Copies to Troxell and McCoy.

5-6-70. Order overruling motion of defts. to quash depositions set for 5-6-70 and subpoena filed, Kalbfleisch, J. Copies to Troxell and McCoy.

5-25-70. Minutes of proceedings filed. Hearing on prel. injunction resumed but not concluded; request of defts. to increase bond to $50,000—granted, bond to be without surety except as to pltf. itself—counsel to prepare and approve entry; previous bond of $20,000 to be exonerated; adjourned to 9:30 a.m. tomorrow, Kalbfleisch, J. Czompoly, R.

6-4-70. Bond of temporary restraining order in sum of $50,000 filed. Approved, Kalbfleisch, J.

6-22-70. Answer of deft. Thomas H. Richert filed. Copy mailed 6-19-70.

7-16-70. Proposed findings of fact and conclusions of law and order for permanent injunction by plaintiff filed. (VAULT ROOM 330)

7-16-70. Proposed findings of fact by the defendant lodged. Copy acknd. 7-16-70.

7-16-70. Proposed conclusions of law by the defendant lodged. Copy acknd. 7-16-70.

7-22-70. Answer of defts. Bicron Corp., Hamner, Menefee, Novak, Spurney and Suscheck filed. Copy acknowledged 7-22-70.

8-4-70. All exhibits, transcripts and proposed findings kept in Clerk's Vault Room 330 delivered to Judge Kalbfleisch's chambers.

11-24-70. ALL PAPERS IN CASE FILE AND ALL EXHIBITS ORDERED IMPOUNDED BY JUDGE KALBFLEISCH—ALL RECEIVED FROM JUDGE KALBKLEISCH 11-24-70 AND ALL PLACED IN ONE BOX IN VAULT ROOM 330.

11-24-70. Findings of fact and conclusions of law filed, Kalbfleisch, J. Copies to Troxell, McCoy and Zidar. (VAULT 330)

11-24-70. Order for permanent injunction restraining defts. from divulging and using trade secrets as set forth in findings etc. filed, Kalbfleisch, J. Copies as above. (VAULT 330)

11-24-70. Order impounding exhibits and memo until further order of Court, except that Clerk may on inquiry disclose those conclusions of law and fact which do not contain any naming or description of equipment, materials or procedures mentioned in exhibits and memo of decision concerning production of sodium iodide thallium activated scintillation crystals filed, Kalbfleisch, J. Copies as above. (VAULT 330)

12-2-70. Notice of appeal by defs. Bicron, Hamner, Menefee, Novak, Spurney and Suscheck filed. Copies to Attys. Troxell and Zidar by Clerk 12-2-70.

12-4-70. Bond for Costs on appeal filed. (Ohio Casualty Ins. Co.)

12-7-70. Motion of pltf. for injunction pending appeal filed. Mailed 12-7-70.

12-7-70. Notice of Appeal by pltf. filed. Copy by Clerk to McCoy, Zidar, Abeles & Troxell—12-8-70.

12-14-70. Order granting motion of plaintiff for injunction pending appeal; defendants Bicron Corp., Lloyd Hamner, Julious Menefee, Harry Suscheck, Richard W. Spurney, Wm. P. Novak, and Thomas Richert are enjoined from disclosing, etc. trade secrets: 1(b); 1(c); 1(d); 1(e); and 1(i); 3(b)(ii) and (iv); 3(e); 4(d); 4(e); and 4(g), as each appear in plaintiff's Exhibit 56, until the U.S.C.A. for the Sixth Circuit rules upon, and decides the issues raised by notices of appeal; within order is in addition to permanent injunction order filed 11-24-70; order conditioned upon filing of $50,000 bond approved by the Court filed, Kalbfleisch, J. Copies to Troxell, McCoy, and Zidar.

12-14-70. Bond for injunction pending appeal filed.

1-5-71. Secrecy agreement of Gates Legal Publishing Co. re: orders of 5-1-70 and 11-25-70 filed.

1-11-71. Certified original pleadings mailed to the Clerk for the Court fo Appeals for the Sixth Circuit by Registered Mail—No. 754701.

1-18-71. Original pleadings filed in U.S.C.A. 6th Circuit on 1-15-71. (71-1041, 71-1042)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION
(Title omitted in printing)

COMPLAINT

(Filed April 17, 1970)

FIRST CAUSE OF ACTION

1. Plaintiff, Kewanee Oil Company (hereinafter referred to as "KEWANEE"), is a corporation incorporated under the laws of the State of Delaware and has its principal place of business in the State of Pennsylvania.

2. Defendant, Bicron Corporation (hereinafter referred to as "BICRON"), is a corporation incorporated under the laws of the State of New Jersey and has its principal place of business in the State of Ohio. Defendants, Lloyd H. Hamner, Julious M. Menefee, William P. Novak, Thomas H. Richert, Richard W. Spurney and Harry Suscheck (hereinafter referred to as "HAMNER," "MENEFEE," "NOVAK," "RICHERT," "SPURNEY" and "SUSCHECK"), are each citizens of the State of Ohio.

3. The jurisdiction of this Court is invoked pursuant to Section 1332, Title 28, United States Code, and the matter in controversy exceeds, exclusive of interest and costs, the sum of Ten Thousand Dollars.

4. Harshaw Chemical Company (hereinafter referred to as "HARSHAW") is an unincorporated division of KEWANEE. Part of HARSHAW's activities involve growing synthetic crystals and its experience in this area dates back to 1936. Since 1951 HARSHAW has designed and manufactured scintillation crystals, which when coupled